

REMARKS

Claims 65-78 and 97-107 are currently pending, of which claims 65 and 97 are in independent form. Claims 65 and 97 are amended by the present response. Claims 108-118 have been cancelled without prejudice, limitation, estoppel or waiver.

No new matter is added hereby.

Favorable reconsideration of the present patent application as currently constituted is respectfully requested.

Regarding the Provisional Double Patenting Rejection

Claims 65, 97 and 108 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 71, 84 and 95 of copending Application No. 10/671,162.

Without acquiescing in the characterization of the claims of the present patent application or of the allegedly conflicting claims of Application No. 10/671,162 as set forth in the outstanding Office Action in connection with the pending double patenting rejection, Applicant has enclosed herewith an appropriate terminal disclaimer in accordance with 37 C.F.R. §1.321. It is therefore respectfully submitted that the pending double patenting rejection has been obviated hereby.

Regarding the Claim Rejections - 35 U.S.C. §103

In the pending Office Action, claims 65, 67-70, 89, 97, 99, 108 and 110 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,958,006 to Eggleston et al. (hereinafter the *Eggleston* reference) in view of U.S. Patent No. 6,381,634 to Tello et al. (hereinafter the *Tello* reference), further in view of U.S. Patent No. 5,826,023 to Hall et al. (hereinafter the *Hall* reference).

Additionally, claims 71-73, 100-102 and 111-113 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of the *Eggleston*, *Tello* and *Hall* references in view of Official Notice that "word processing files, audio files, and video files were all old and well known types of email attachments at the time the invention was made, and that word processing type files could be processed (displayed) by mobile devices while video files could not, due to limitations on processing capabilities at the time."

Finally, claims 66, 74-78, 98, 103-107, 109 and 114-118 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of *Eggleston*, *Tello*, *Hall* and Official Notice in view of U.S. Patent No. 5,964,833 to Kikinis (hereinafter the *Kikinis* reference).

Without acquiescing in the characterization of the rejected claims and/or of the cited art provided in the Office Action, Applicant respectfully submits that the foregoing §103(a) rejections have been overcome or otherwise rendered moot by way of the present response. Pending base claim 65 is directed to an embodiment of a method of redirecting e-mail messages and message attachments to a user of a mobile data communication device that is associated with a host system. As currently amended, the claimed method comprises, *inter alia*, receiving a data item for the user at the host system from a sender wherein the data item includes a message attachment and an e-mail message addressed to a first address identifying a mailbox that is viewable by the user at the user's computer coupled to the host system. Substantially identical features are also recited in base claim 97 as currently constituted.

In reply to Applicant's prior response dated February 16, 2009, the Examiner commented as follows at pages 2-3 of the Office Action:

With regard to claim 65, and Applicant's assertion that Tello "does not teach or suggest a first address of the user that is associated with the host system" (Remarks 23-25), the Examiner respectfully disagrees. As an initial matter, it is noted that the language "associated with" is very broad and requires a minimal relationship between the host system and the first address to be anticipated. The well-known name address

taught by Tello is associated with the ISP's mail server, which is analogous to the server 115 in Eggleston, which also processes electronic messages for the user. When considered in combination, Eggleston and Tello teach a first and second address associated with the user, wherein the first address is associated with a host device such as an email server and the second address is associated with a mobile device.

Without necessarily acquiescing in the Examiner's remarks relating to the interpretation of the phrase "associated with", Applicant has amended the language to sufficiently distinguish between the features of the claimed embodiments and the Tello reference. In view of the present amendments, Applicant continues to take the position that Tello does not teach or suggest a first address identifying a mailbox that is viewable at a user's computer. As argued in the prior response of February 16, 2009, the Tello reference is merely concerned with email address portability, i.e., the need for email addresses that can be retained by users even when they change their Internet Service Provider (ISP). Even if, *arguendo*, "name@@well.known" of Tello were an email address, which Applicant does not agree with, it is not an address that identifies a mailbox containing the user data items viewable at the ISP's mail server. As explained previously, the well-known-name value (i.e., "name@@wellknown") is designed such that the "@@" characters operate as a trigger to alert a sender's ISP, i.e., ISP 100 in Tello, that an external

"translation service" (e.g., SCP 200) must be accessed before an email message may be transmitted to the intended recipient. Thus it is clear that "name@wellknown" of *Tello* is not an email address that is viewable by the user.

Based on the foregoing, Applicant respectfully maintains that the present amendments distinguish over the teachings of *Tello*, which has been relied upon to cure the acknowledged deficiencies of the primary reference of record, i.e., *Eggleston*. Applicant further submits that the various secondary references (i.e., *Hall*, *Kikinis* or Official Notice) applied in the pending Office Action to overcome the cumulative deficiencies of *Eggleston* and *Tello* are without avail with respect to the present amendments.

It is therefore believed that pending base claims 65 and 97 as currently constituted are in condition for allowance over the art of record. Respective dependent claims are also allowable over the art at least for the same reasons.

Reservation of Rights

Notwithstanding the foregoing, Applicant reserves all rights not exercised in connection with this response, such as, e.g., the right to challenge or rebut any tacit or explicit characterization of any reference or of the present claims, the right to challenge any Official Notice(s) taken, the right to challenge or rebut any asserted factual or legal basis of any of the rejections of the present Office Action, or the right to swear behind any cited reference such as provided under 37 C.F.R. §1.131 or otherwise.

Fee Statement

Compared to the highest number previously paid for, the total number of claims and the number of independent claims have not increased. No extension of the response period is being sought. Applicant is filing herewith a Terminal Disclaimer. Accordingly, payment via electronic filing is being authorized in the applicable amount(s). If any additional fees are due or any overpayments have been made, however, please charge or credit our deposit account (Deposit Account No. 03-1130).

SUMMARY AND CONCLUSION

In view of the fact that none of the art of the record, whether considered alone or in combination discloses, anticipates or suggests the present embodiments, as now defined by the independent claims, and in further view of the above amendments and/or remarks, reconsideration of the Action and allowance of the present patent application are respectfully requested and are believed to be appropriate.

Respectfully submitted,

Dated: July 16, 2009

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